

In re REISSUE PATENT APPLICATION of

ANDERSON, et al.

Group Art Unit: 3643

Appln. No.: unknown

Examiner: Kurt Rowan

Filed: HERewith

As reissue of U.S. 5,913,670

Filed Dec. 19, 1996

Issued June 22, 1999

For: BREAKAWAY LINKS FOR
UNDERWATER GEAR

Hon. Commissioner of Patents
And Trademarks

Washington D.C. 20231

Date JUNE 21, 2001
Label No. EL 748963696 US
I hereby certify that, on the date indicated above, I deposited this paper or fee with the U.S. Postal Service and that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.
CHERYL S. ROLLINS
Name of Person signing Certificate
(Cheryl S. Rollins)
Signature

COVER LETTER AND DECLARATION

Sir:

1. Erik S. Anderson and Peter M. Anderson each individually declare that our residence, post office address and citizenship are as respectively stated below next to our names and that we each verily believe we are the original joint and first inventors of the invention entitled Breakaway Links for Underwater Gear described and claimed in Letters Patent No. 5,913,670, issued June 22, 1999 (as amended in the above-identified reissue application) from our original application, serial number 08/770,592 filed on December 19, 1996; that we do not know and do not

believe that this invention was ever known or used in the United States before our invention thereof, or patented or described in any publication in any country before our invention thereof, or more than one year prior to our original application, or in public use or one sale in the United States more than one year prior to our original application; that our invention has not been patented or made the subject of an inventor's certificate in any country foreign to the United States prior to the date of our original U.S. application number 08/770,592 on an application filed by either or both of us or legal representatives or assigns thereof more than twelve months before our said original application; that our original Letters Patent number 5,913,670 is partially inoperative because it claims less than we had a right to claim; and that we each individually believe that our original U.S. Patent No. 5,913,670 contains errors that occurred without deceptive intention in that it claims less than we had a right to claim.

2. I hereby claim foreign priority benefits under 35 U.S.C. Section 119/365 of any foreign applications for patent or inventor certificate listed hereinbelow and have also identified below any foreign patent application for patent or inventor certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority is claimed, before the filing date of this application:
NONE
3. I hereby acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 CFR 1.56 to the claims submitted in this reissue application.

4. I have reviewed and understand the contents of the above-identified specification in paragraph 1, including both the original claim and the new claims which are submitted with this application for reissue filed herewith.
5. I hereby assert that the original patent has not been assigned.
6. As stated in paragraph 1, I believe that our original U.S. Patent No. 5,913,670 contains errors which occurred without deceptive intent. The errors were discovered after reviewing the claims of U.S. Patent No. 5,913,670. A copy of U.S. Patent No. 5,913,670 is attached herewith in double column format pursuant to 37 CFR 1.173(a)(1), and also a copy for convenience in single column format.
7. After reviewing the U.S. Patent No. 5,913,670, and upon further reviewing the issued claim in U.S. Patent No. 5,913,670, I recognized for the first time that the system for the release of at least one cetacean from entanglement in underwater gear was not properly claimed to the scope we were entitled.
8. After reviewing the U.S. Patent No. 5,913,670, and upon further reviewing the issued claim in U.S. Patent No. 5,913,670, I recognized for the first time that the method to reduce the injury to whales or other cetaceans entangled in underwater gear was not properly claimed to the scope we were entitled.
9. After reviewing the U.S. Patent No. 5,913,670, and upon further reviewing the issued claim in U.S. Patent No. 5,913,670, I recognized for the first time that the several devices and embodiments taught in the specification for the release of at least one cetacean from entanglement in underwater gear were not properly claimed to the scope we were entitled.

10. We acknowledge that this reissue application contains the original independent claim 1 of U.S. Patent No. 5,913,670. We further acknowledge that new claims 2-25 were not specifically claimed in U.S. Patent No. 5,913,670 and are submitted in this reissue application as underlined amendments in the attached paper and further expressed in the enclosure titled Supporting Statement, filed pursuant to 37 CFR 1.173(b)(2) and (d)(2).

11. New independent claim 2 is directed to a system for the release of at least one cetacean from entanglement in underwater gear. Claim 2 relates to the teaching in U.S. Patent 5,913,670 at least at the Abstract; column 1, lines 41-47; column 1, lines 61-67; column 2, lines 29-55; FIG. 2 and its description at column 4, lines 51-65; column 6, lines 17-21; and column 6, lines 32-41. It therefore could have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and it is therefore included in our reissue application.

12. New independent claim 3 is directed to a method to reduce the injury to whales or other cetaceans entangled in underwater gear. Claim 3 relates to the teaching in U.S. Patent No. 5,913,670 at least the Abstract; column 2, lines 56-67; and column 6, lines 17-21. It therefore could have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and it is therefore included in our reissue application.

13. New dependent claims 4 through 6 depend from claim 3 and are directed to narrowing embodiments of the method to reduce the injury to whales or other cetaceans entangled in underwater gear. These embodiments are taught in U.S. Patent No. 5,913,670 at column 6, lines 7-41. Claims 4 through 6 could therefore have been claimed in U.S. Patent 5,913,670,

but without deceptive intent, we erroneously failed to so claim and these are therefore included in our reissue application.

14. New independent claim 7 is directed to a method to reduce the possibility of injury to whales or other cetaceans. It relates to the teaching in U.S. Patent No. 5,913,670 at column 2, lines 33-41. It therefore could have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and it is therefore included in our reissue application.

15. New independent claim 8 is directed to a breakaway link for underwater gear. It relates to the teaching in U.S. Patent No. 5,913,670 at FIGs 1, 4 and 5; column 3, lines 9-13; column 3, lines 52-67; column 4, lines 37-50; column 5, lines 8-25; column 6, lines 42-67; and column 7; lines 1-30. It therefore could have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and it is therefore included in our reissue application.

16. New dependent claim 9 depends from new independent claim 8 and is supported in the teaching of U.S. Patent No. 5,913,670 at FIG 1, FIG 4 and FIG 5; column 3, lines 63-67; column 4, lines 44-46. It therefore could have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and it is therefore included in our reissue application.

17. New independent claim 10 is directed to a breakaway link of a specific embodiment and is supported in the teaching of U.S. Patent No. 5,913,670 at FIG 3; column 4, lines 1-18; column 3, lines 66-67; and column 4, lines 1-7. It therefore could have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and it is therefore included in our reissue application.

18. New dependent claims 11 and 12 depend from new independent claim 10 and are supported in U.S. Patent No. 5,913,670 at column 4, lines 1-22. Claims 11 and 12 could therefore have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and these are therefore included in our reissue application.
19. New dependent claims 13 through 18 depend from new dependent claim 11 and are supported in U.S. Patent No. 5,913,670 at column 4, lines 8-18. Claims 13 through 18 could therefore have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and these are therefore included in our reissue application.
20. New independent claim 19 is directed to a breakaway link of a specific embodiment and is supported in the teaching of U.S. Patent No. 5,913,670 at FIG 6; column 4, lines 19-22; and column 6, lines 17-21. It could therefore have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and it is therefore included in our reissue application.
21. New independent claim 20 is directed to a breakaway link of a specific embodiment and is supported in the teaching of U.S. Patent No. 5,913,670 at FIG 6; column 4, lines 19-22; and column 6, lines 17-21. It could therefore have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and it is therefore included in our reissue application.
22. New independent claim 21 is directed to a breakaway link of a specific embodiment and is supported in the teaching of U.S. Patent No. 5,913,670 at column 4, lines 23-36. It could therefore have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and it is therefore included in our reissue application.

23. New dependent claims 22 and 23 depend from new dependent claim 21 and are supported in U.S. Patent No. 5,913,670 at column 4, lines 30-36. Claims 22 and 23 could therefore have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and these are therefore included in our reissue application.
24. New independent claim 24 is directed to a breakaway link of a specific embodiment and is supported in the teaching of U.S. Patent No. 5,913,670 at column 4, lines 44-47. It could therefore have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and it is therefore included in our reissue application.
25. New independent claim 25 is directed to a device useful for incorporation into fishing buoy lines or fishing gear and is supported in the teaching of U.S. Patent No. 5,913,670 at column 5, lines 35-47. It could therefore have been claimed in U.S. Patent 5,913,670, but without deceptive intent, we erroneously failed to so claim and it is therefore included in our reissue application.
26. On information and belief, U.S. Patent No. 5,913,670 is not involved in any litigation, declared interference, or declared reexamination.
27. WHEREFORE I PRAY that we each may be allowed to surrender, and pursuant to 37 CFR 1.178(a), do hereby offer to surrender our U.S. Letters Patent No. 5,913,670 before allowance of the present application to reissue said U.S. Letters Patent, and that Reissue Letters Patent may be issued for the same invention upon the foregoing amended claims.
28. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this reissue application or any patent issued thereon.

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**REISSUE APPLICATION: CONSENT OF ASSIGNEE;
STATEMENT OF NON-ASSIGNMENT**

Docket Number (Optional)

4010-001

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s) Erik S. Anderson and Peter Martin AndersonPatent Number 5913670Date Patent Issued June 22, 1999Title of Invention
Breakaway Links For Underwater Gear

1. ☐ Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)
2. ☒ Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.

One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".

The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.

The assignee(s) owning an undivided interest in said original patent is/are _____, and the assignee(s) consents to the accompanying application for reissue.

Name of assignee/inventor (if not assigned)

Erik S. AndersonPeter Martin Anderson

Signature

Peter M. Anderson
Erik Anderson 5/31/01

Date

6/5/01

Typed or printed name and title of person signing for assignee (if assigned)